

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 9781

IN THE MATTER OF:

Served July 28, 2006

Application of OLGA JEANNETTE	)	Case No. AP-2005-149
AYALA-WYNKOOP, Trading as KOOPS	)	
LIMOUSINE SERVICE, for a	)	
Certificate of Authority --	)	
Irregular Route Operations	)	

This matter is before the Commission on applicant's request for reconsideration of the voiding of authority conditionally granted to applicant in Commission Order No. 9204, served December 16, 2005.

Order No. 9204 stipulated that applicant would have the full 180 days available under Commission Regulation No. 66 to satisfy the conditions of the grant. Applicant did not fully satisfy those conditions within the allotted time. The conditional grant consequently became void on June 15, 2006. Under Article XIII, Section 4(a), applicant had until July 17, 2006, to file an application for reconsideration.<sup>1</sup>

Respondent timely filed an application for reconsideration as of July 14, 2006, but the application does not allege any error on the part of the Commission as required by statute.<sup>2</sup> The application therefore is denied. We may reopen this proceeding on our own initiative,<sup>3</sup> however, and issue Certificate of Authority No. 1150, provided applicant has now fully satisfied the conditions of issuance prescribed in Order No. 9204.<sup>4</sup>

The record shows that applicant has satisfied all of the conditions of Order No. 9204, except the requirement that applicant's revenue vehicle(s) pass inspection by Commission staff. Staff inspection reports reveal that applicant's sole revenue vehicle, a stretch limousine, has failed inspection twice, first on February 16, 2006, and again on June 23, 2006. Applicant's vehicle failed the first inspection by exceeding the 15-person seating capacity restriction in Certificate No. 1150 and not displaying applicant's

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<sup>1</sup> See *In re Boone-McNair Transp., LLC*, No. AP-02-66, Order No. 7063 (Mar. 4, 2003) (30-day reconsideration filing period begins running on 181<sup>st</sup> day).

<sup>2</sup> Compact, tit. II, art. XIII, § 4(a).

<sup>3</sup> Commission Rule No. 26-04.

<sup>4</sup> See Order No. 7063 (proceeding reopened to issue certificate of authority).

name and carrier number as required by Regulation No. 61.<sup>5</sup> Although the seating capacity had been reduced to 15 persons by the second inspection, applicant's limousine still did not display applicant's name and carrier number. Applicant asks us to waive Regulation No. 61.

The Commission routinely waives Regulation No. 61 with respect to limousines and luxury sedans seating nine persons or less, including the driver.<sup>6</sup> Limousines and luxury sedans seating more than nine persons, including the driver, but less than 16 persons, including the driver, must at a minimum display the carrier's WMATC number.<sup>7</sup>

Accordingly, we decline to reopen this proceeding. Applicant, however, may reapply for a certificate of authority and request a partial waiver of Regulation No. 61 in the new proceeding consistent with this order.

THEREFORE, IT IS ORDERED:

1. That the application for reconsideration is denied.
2. That this proceeding is terminated.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.  
Executive Director

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<sup>5</sup> Regulation No. 61 requires the display of carrier name and number on both sides of each vehicle operated under a WMATC certificate of authority.

<sup>6</sup> In re McCloud's Professional Limousine Service, Inc., No. AP-05-117, Order No. 9754 (July 19, 2006).

<sup>7</sup> Id.